

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

KINERA LOVE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.:
)	
DOLLAR GENERAL)	3:06-CV-1147-MHT
CORPORATION,)	
d/b/a DOLGENCORP, INC.)	
)	
Defendant.)	
)	

**DEFENDANT DOLGENCORP, INC.'S MOTION FOR LEAVE TO
SUPPLEMENT SUMMARY JUDGMENT EVIDENTIARY SUBMISSION**

COMES NOW Defendant Dolgencorp, Inc. ("Defendant" or "Dolgencorp") and respectfully moves for leave of Court to supplement its previously-filed Evidentiary Submission (the "Evidentiary Submission") in connection with its pending Motion for Summary Judgment. In support hereof, Dolgencorp states as follows:

1. Plaintiff Kinaera Love ("Plaintiff") has alleged discriminatory failure to promote under Title VII as one of her claims in this lawsuit. Specifically, Plaintiff alleges that a comparator, Donna Tally ("Ms. Tally"), who received the Assistant Store Manager position, was not qualified for the position and was less qualified than Plaintiff. *See* Plaintiff's Opposition to Motion for Summary Judgment and Evidentiary Submission. In Opposition to Dolgencorp's pending Motion for Summary Judgment, Plaintiff has submitted arguments and purported evidence in an effort to disprove Ms. Tally's qualifications and prior work experience.

2. Dolgencorp seeks to submit the Supplemental Declaration of Charles

McDonald ("Mr. McDonald") to provide the Court with further detail as to Ms. Tally's job history and qualifications. Unlike the purported evidence submitted by Plaintiff in Opposition to Summary Judgment, Mr. McDonald has first-hand knowledge of Ms. Tally's work history and supervisory experience.

3. The Supplemental Declaration does not change Mr. McDonald's prior declaration testimony, but rather provides additional detail as to Ms. Tally's work history and qualifications in response to the contentions and arguments raised by Plaintiff in opposing the pending motion for summary judgment.

THEREFORE, for good cause shown, Dolgencorp respectfully requests that this Court enter an Order granting this Motion.

Respectfully submitted,

s/Christopher W. Deering
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s/Ryan M. Aday
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*Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Lateffah Muhammad – lateefahmuhammad@aol.com

s/Christopher W. Deering

Christopher W. Deering

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Attorney for Defendant,

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